

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

Applicant : Samuel I. Brandt et al.
Serial No. : 10/051,664
Filed : January 17, 2002
For : A SYSTEM FOR PROCESSING HEALTHCARE RELATED EVENT
INFORMATION FOR USE IN SHCEDULING PERFORMANCE OF
TASKS
Examiner : Fadey S. Jabr
Art Unit : 3628

APPEAL BRIEF

May It Please The Honorable Board:

Appellants re-initiate appeal under 37 CFR 41.27 in response to the Final Rejection, dated January 17, 2007, of Claims 1 - 29 of the above-identified application. The fee of five hundred dollars (\$500.00) for filing this Brief and the fee of one hundred twenty dollars (\$120.00) for extending the time for a response within the first month after the original response date, pursuant to 37 CFR 1.17(a)(1) is to be charged to Deposit Account No. 19-2179. Enclosed is a single copy of this Brief.

Please charge any additional fee or credit any overpayment to the above-identified Deposit Account.

Appellants do not request an oral hearing.

I. REAL PARTY IN INTEREST

The real party in interest of Application Serial No. 10/051,664 is the Assignee of record:

Siemens Medical Solutions Health Services Corporation
51 Valley Stream Parkway
Malvern, PA 19355-1406

which merged into Siemens Medical Solutions USA Inc. on 1 January 2007

II. RELATED APPEALS AND INTERFERENCES

A Notice of Appeal in Application Serial No. 10/051,664 was filed on January 24, 2006 and an Appeal Brief was filed on March 24, 2006. In response to Applicant's Appeal Brief, no formal decision was handed down but prosecution was re-opened via a non-final office action and followed by the Final Office Action. A Notice of Appeal re-initiating Appeal was filed and this Brief is filed in response to the Notice of reinitiation of Appeal.

III. STATUS OF THE CLAIMS

Claims 1 - 29 are rejected and the rejection of claims 1 - 29 are appealed.

IV. STATUS OF AMENDMENTS

All amendments were entered and are reflected in the claims included in Appendix I.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 describes in a system for initiating performance of a first process, including a set of tasks, to be performed by at least one individual to support healthcare delivery, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient (page 2, lines 22-25). At least one event potentially affecting healthcare delivered to a patient is associated in a repository with a sequence of tasks to be performed to support healthcare delivery to the patient (page 6, lines 12-14). A message identifying occurrence of the event is received (page 10, lines 23-24; Fig 4, 303). A particular sequence of tasks to be performed, in response to receiving the message identifying occurrence of the event is determined by using the repository (page 7, lines 23-25). Execution of performance of the particular sequence of tasks by at least one individual without scheduling the performance and associated intervening scheduling time delay in response to receiving the message identifying occurrence of the event and determination pre-conditions associated with the task sequence are satisfied and the tasks of the task sequence are ready for performance by the at least one individual is initiated (page 8, lines 19-28).

Dependent claim 2 includes the features of independent claim 1 along with the additional feature that in response to examining predetermined information and the occurrence of the identified event, at least one of the particular tasks is substituted for a task of an existing task sequence being performed (page 2, lines 27-30).

Dependent claim 3 includes the features of independent claim 1 along with the additional feature that the message includes an event identifier identifying the event and is generated by a second process (page 6, lines 16-18). The second process comprises a second set of tasks and includes the activity of also receiving an identifier identifying a particular instance of the first process (page 7, lines 4-7).

Dependent claim 4 includes the features of independent claim 1 and dependent claim 3 along with the additional feature that the particular instance of the first process comprises a particular use of the process for a specific patient (page 6, lines 31-page 7, line 7).

Dependent claim 5 includes the features of independent claim 1 along with the additional feature that a plurality of received messages is filtered to identify the message identifying occurrence of an event potentially affecting healthcare delivered to a patient. Other messages immaterial to the healthcare delivered to the patient are excluded (page 5, lines 30-34).

Dependent claim 6 includes the features of independent claim 1 along with the additional feature that the event is associated in a repository with a process instance identifier identifying an instance of a process including the sequence of tasks (page 11, lines 5-10).

Dependent claim 7 includes the features of independent claim 1 along with the additional feature that the message includes an event identifier identifying the event and a process identifier identifying a target process to be replaced by a predetermined process including the particular tasks (page 11, lines 10-17).

Dependent claim 8 includes the features of independent claim 1 and dependent claim 7 along with the additional feature of a database containing records indicating active processes and process instances is searched to identify active process instances of the target process to be replaced (page 12, lines 16-22).

Dependent claim 9 includes the features of independent claim 1 along with the additional feature that the event comprises at least one of, (a) an event resulting from action by healthcare personnel, (b) an event generated by an operating process, (c) an event

generated by patient monitoring equipment and (d) an event generated by a medical device (page 4, lines 6-12). The step of initiating execution of performance of the particular sequence of tasks without scheduling the performance and associated intervening scheduling time delay comprises initiating execution of performance of the particular sequence of tasks without scheduling performance of the particular sequence of tasks to occur at a particular time (page 8, lines 26-28).

Dependent claim 10 includes the features of independent claim 1 along with the additional feature that information identifying a particular individual task of a task sequence being performed is received. The activity of adapting the task sequence being performed by initiating continuation of the task sequence being performed from the identified particular individual task in response to occurrence of the event is included (page 5, lines 27-30).

Independent claim 11 provides in a system for initiating performance of a process, including a set of tasks, to be performed by at least one individual to support healthcare delivery, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient (page 2, lines 22-25). At least one event potentially affecting healthcare delivered to a patient is associated in a repository with a process including a sequence of tasks to be performed to support healthcare delivery to the patient (page 6, lines 12-19). At least one message identifying occurrence of the event and at least one parameter associated with the event is received (page 11, lines 5-8; FIG 5, 403). A determination is made by using the repository whether the identified event is associated with a particular process of a plurality of predetermined processes (FIG 5, 409). The parameter is provided to the particular process in response to the determination the identified event is associated with the particular process (page 11, lines 10-13; FIG 5, 411). Execution of performance of the particular process without scheduling the performance and associated intervening scheduling time delay is initiated in response to receiving the message identifying occurrence of the event and determination pre-conditions associated with the task sequence are satisfied and the tasks of the task sequence are ready for performance by the at least one individual (page 8, lines 24-28).

Dependent claim 12 includes the features of independent claim 11 along with the additional feature that the associated parameter is for use by multiple different process task sequences and is stored at a location available for access by the multiple different process task sequences (page 2, lines 31 – page 3, line 1).

Dependent claim 13 includes the features of independent claim 11 along with the additional feature that the associated parameter is verified to be compatible with

predetermined value criteria as a pre-condition to providing the parameter to the predetermined process (page 7, lines 28-30).

Dependent claim 15 includes the features of independent claim 11 along with the additional feature that initiating performance of another process is replaced with the initiating performance of the identified process (page 8, lines 10-12).

Dependent claim 17 includes the features of independent claim 11 and dependent claim 16 along with the additional feature that a database containing records indicating active processes and process instances is searched to identify active process instances of the target process to be replaced (page 2, lines 27-30).

Dependent claim 19 includes the features of independent claim 11 along with the additional feature that the event is associated in a repository with a process instance identifier identifying an instance of the process including the sequence of tasks (page 14, lines 16-19).

Independent claim 20 provides in a system supporting initiating performance of a plurality of processes including different sets of tasks to be performed by at least one individual, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient (page 2, lines 22-25). At least one event potentially affecting healthcare delivered to a patient is associated in a repository with a process instance identifier identifying an instance of a process including a sequence of tasks to be performed to support healthcare delivery to a patient (page 6, lines 12-14). At least one message identifying occurrence of the event is received during the first process and a parameter associated with the event is identified, in response to occurrence of an event in a first process (page 10, lines 23-24; FIG 4, 303). The parameter associated with the event is acquired and the parameter is provided to an instance of a second process identified using the repository (page 10, lines 29-31; FIG 4, 310). The instance of the second process is adapted by initiating execution of performance of a particular set of tasks without scheduling the performance and associated intervening scheduling time delay in response to receiving the at least one message (page 11, lines 1-2; FIG 4, 315).

Dependent claim 21 includes the features of independent claim 20 along with the additional feature of an identifier identifying a particular individual task in the second process is received (page 10, lines 23-24; FIG 4, 303). The adapting activity comprises initiating processing of the second process from the particular individual task in response to receiving the at least one message identifying occurrence of the event and determination the parameter is within predetermined acceptability criteria (page 11, lines 10-13).

Dependent claim 23 includes the features of independent claim 20 along with the additional feature that data is shared between the first and second process. At least one of (a) an event identifier identifying the event, (b) a process identifier identifying the first process and (c) an identifier identifying a particular instance of the first process is shared (page 7, lines 17-22).

Independent claim 26 provides a system for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient (page 2, lines 19-20). The system is for use in initiating performance of a first process including a set of tasks to be performed by at least one individual to support healthcare delivery (page 2, lines 22-26). At least one repository associates at least one event potentially affecting healthcare delivered to a patient with a sequence of tasks to be performed to support healthcare delivery to the patient (page 6, lines 15-19). A communication interface receives a message identifying occurrence of the event (page 10, lines 23-24; FIG 4, 303). An event analyzer uses the at least one repository and applies predetermined rules to interpret the identified event to determine a particular sequence of tasks to be performed in response to receiving the message identifying occurrence of the identified event (page 10, lines 25-26; FIG 4, 308). A processor initiates execution of performance of the particular tasks by at least one individual without scheduling the performance and associated intervening scheduling time delay in response to the occurrence of the identified event and determination pre-conditions associated with the task sequence are satisfied and the tasks of the task sequence are ready for performance by the at least one individual (page 10, lines 9-11).

Dependent claim 27 includes the features of independent claim 26 along with the additional feature that the at least one repository associates the at least one event with a process instance identifier identifying an instance of a process including the sequence of tasks (page 7, lines 17-22).

Independent claim 28 describes a system for initiating performance of a first process, including a set of tasks, to be performed by at least one individual to support healthcare delivery, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient (page 2, lines 22 – 25). At least one event potentially affecting healthcare delivered to a patient is associated in a repository with a sequence of tasks to be performed to support healthcare delivery to the patient (page 6, lines 12 – 14). A message identifying occurrence of the event is received (page 10, lines 23-24; Fig. 4, 303). A particular sequence of tasks to be performed is determined by using the repository, in response to receiving the message

identifying occurrence of the event (page 7, lines 23 – 25). Execution of performance of the particular sequence of tasks is initiated by at least one individual without scheduling the performance and associated intervening scheduling time delay in response to receiving the message identifying occurrence of the event and determination pre-conditions associated with the task sequence are satisfied (page 8, lines 27 – 30). In response to examining predetermined information and the occurrence of the identified event, at least one of the particular tasks is substituted for a task of another task sequence being performed (page 2, lines 27 – 30).

Independent claim 29 describes, in a system for initiating performance of a first process, including a set of tasks, to be performed by at least one individual to support healthcare delivery, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient (page 2, lines 22 – 25). At least one event potentially affecting healthcare delivered to a patient is associated in a repository with a sequence of tasks to be performed to support healthcare delivery to the patient and with a process instance identifier identifying an instance of a process including the sequence of tasks (page 6, lines 12 – 14 and page 11, lines 5 – 10). A message identifying occurrence of said event is received (page 10, lines 23-24; Fig. 4, 303) and a particular sequence of tasks to be performed is determined by using the repository in response to receiving the message identifying occurrence of the event (page 7, lines 23 – 25). Execution of performance of the particular sequence of tasks is initiated by at least one individual without scheduling the performance and associated intervening scheduling time delay in response to receiving the message identifying occurrence of the event and determination pre-conditions associated with the task sequence are satisfied (page 2, lines 27 – 30).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 11, 20, 26 and 28-29 are rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1-2, 5, 9-15, 18, 25-26 and 28 are rejected under 35 USC 103(a) as being unpatentable over Brown et al. (U.S. Pat. No. 6,458,080).

Claims 3-4, 6-8, 16-17, 19-24, 27 and 29 are rejected under 35 USC 103(a) as being unpatentable over Brown et al. (U.S. Pat. No. 6,458,080 B1) in view of Stoodley et al. (Pub. No. US2004/0078236 A1).

VII. ARGUMENT

Rejection of Claims 1, 11, 20, 26 and 28-29 under 35 USC 112, second paragraph

Claims 1, 11, 20, 26 and 28-29 are rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As per claims 1, 11, 29 and 28-29, Applicant respectfully submits that the preamble of the claims describes a method. The recited method takes place **IN A PARTICULAR SYSTEM**, namely, a system that initiates "performance of a first process, comprising a set of tasks, to be performed by at least one individual to support healthcare delivery." However, the claims are directed towards "a method" as recited in the present claimed invention. Independent claims 1, 11, 20, 26, 28 and 29 further recite and claim the method performed by the data processor for processing an event representing a change in circumstances as potentially affecting healthcare and the activities comprising the method are described. In view of the above remarks, Applicant respectfully submits that this rejection is satisfied and should be withdrawn.

Rejection of Claims 1, 2, 5, 9-15, 18, 25-26 and 28 under 35 U.S.C. 103(a) over Brown (U.S. Patent 6,458,080)

Reversal of the rejection of claims 1, 2, 5, 9-15, 18, 25-26 and 28 under 35 U.S.C. 103(a) as being unpatentable in view of U.S. Patent 6,458,080 issued to Brown is respectfully requested because the rejection makes crucial errors in interpreting the cited reference. The rejection erroneously states that claims 1, 2, 5, 9-15, 18, 25-26 and 28 are made unpatentable by Brown.

Overview of the Cited References

Brown describes that current health parameters for a user are monitored at a personal health monitoring system. Current health parameters include multiple monitored physical parameters and multiple monitored environmental parameters. The current health parameters are compared with health allowances for the user. A control signal for transmission to a health control device that controls at least one parameter from among the multiple physical parameters and multiple environmental parameters is determined in response to determining that at least one of the health allowances. At least one current health parameter that exceeds the at least one health allowance is adjusted by the health control device according to the control signal in order to balance the comprehensive health of the user (see Abstract).

Stoodley provides the storage and retrieval of healthcare information is provided by use of a database that facilitates a number of different tasks that require manipulation of

patient data. Comprehensive patient data representing a group of patients may be retrieved based on patient descriptive categories including diagnosis, e.g. anatomy, pathology or clinical presentation as well as treatment and outcome factors of each case. Symbolic codes assist in storage and retrieval of some of the data. In storage, various of the patient data related to particular patient issues and events may be linked for easy retrieval of relevant data. The categories include data options that may be organized in the form of a hierarchical tree that has branching levels of data options with increasing specificity. Data from the various levels may be compared, as well as data between individual categories. In some embodiments, selected multimedia data may also be accessed based on criteria from data options of the patient descriptive categories (see Abstract).

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed.Cir. 1988). In so doing, the Examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion, or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988); *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ 657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986); *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed.Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed.Cir. 1992).

CLAIMS 1, 9 and 10

Claim 1 provides a method for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient performed in a system for initiating performance of a first process, comprising a set of tasks, to be performed by at least one individual to support healthcare delivery. At least one event potentially affecting healthcare delivered to a patient is associated with a sequence of tasks to be performed to support healthcare delivery to the patient. A message identifying occurrence of the event is received. A particular sequence of tasks to be performed is determined by using the repository, in response to receiving the message identifying occurrence of the event. Execution of performance of the particular sequence of tasks is initiated by at least one individual without scheduling the performance and associated intervening scheduling time

delay in response to receiving the message identifying occurrence of the event and determination pre-conditions associated with the task sequence are satisfied and the tasks of the task sequence are ready for performance by the at least one individual. These features are not shown (or suggested) in Brown.

Specifically, the claimed arrangement supports "initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied." The claimed arrangement initiates "execution of performance" of a "sequence of tasks" **"without scheduling** said performance and associated intervening scheduling time delay." Thus, the present claimed invention is **fundamentally different** than the Brown system. Contrary to the present claimed invention, the Brown system **schedules tasks to be performed at a future time**. This is wholly unlike the present claimed invention "performance of said particular sequence of tasks" is initiated "without scheduling said performance."

The present claimed invention initiates "execution of performance" of a "sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay." This is done "in response to receiving" a "message identifying occurrence" of an "event and determination **pre-conditions** associated with said task sequence **are satisfied** and said tasks of said task sequence are **ready for performance** by said at least one individual." In contrast, Brown describes a system and method that "determines what tasks to **schedule, when to schedule tasks and recommends adjustments to scheduling when needed according to the priority assigned to tasks and time allowances**" (Col. 7, lines 61-66). The tasks scheduled by Brown seek to balance the life of the user (see Col. 7, line 65- Col. 8, line 5). Examples of these tasks include dinner, exercise, work and children's events, which are given a priority rating and are scheduled (table 1). These tasks are scheduled to be performed at a FUTURE time. Contrary to Brown, the present claimed invention recites "initiating execution of performance of said particular sequence of tasks...**without scheduling** said performance and associated intervening schedule time delay." The present claimed invention is NOT a scheduler but rather initiates execution of the performance of tasks WITHOUT scheduling. The tasks are performed after pre-conditions associated with the task sequence are met.

Further, the Brown system schedules tasks to be performed **by a user** at a future time whereas the claimed arrangement actually "initiat[es] execution of performance of said particular sequence of tasks." This is wholly unlike and in direct contrast to the Brown

system, because the claimed system does NOT schedule tasks to be performed at a future time as in Brown.

As admitted on page 6 of the Office Action, “Brown et al. fails to explicitly disclose initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual.” Applicant respectfully submits that contrary to the assertion in the rejection, it would NOT be obvious to incorporate this feature in Brown. Brown **teaches away** from the claimed arrangement by its teaching of use of a scheduler in direct conflict with the claimed arrangement. Brown is a scheduler system and any action required by the user relates directly to the schedule itself, there is no “initiating execution of performance” of tasks. Also, Brown’s scheduler **cannot** initiate execution of any of the tasks. Furthermore, there is no reason for the Brown system to function in this manner. The Brown scheduler is provided to help a person organize their time, by carving out time for tasks and prioritizing those tasks. The tasks are varied, such as making dinner and picking up a child from basketball practice. There is no scheduling in the present invention. If the pre-conditions are met, execution of the performance of the task is initiated in the present invention. Additionally, the present invention is used in a healthcare environment and resolves inefficiency involved in altering and updating healthcare worker schedules because of the need to update scheduling at a “prepare to perform time” that is addressed in the claimed system. The claimed arrangement provides substantial logistical and efficiency advantages in a modern complex healthcare environment (specification page 5, lines 19-23). Brown is not concerned with Healthcare worker efficiency, but rather is concerned with preparing a schedule for use by a person in incorporating many daily and family oriented tasks. There is no common problem recognition between Brown and the present claimed invention.

Additionally, the Office Action argues that “the Brown system [is] similar to the Applicant’s invention [which] is concerned with the comprehensive health of a user (C. 1, lines 15-20). Moreover, the Applicant’s invention specifies a sequence of tasks that need to be performed by an individual, similar to the Brown system. The Brown system indicates to a user which tasks and in which order to perform the tasks (C. 15, lines 62 – C. 16, line 8)” (Office Action, page 3). Applicant respectfully disagrees. The Brown system may describe “a method, system, and program for balancing the comprehensive health of a user ... [and] managing parameters effecting the comprehensive health of a user” (Col. 1, lines 17-21). However, Brown performs the above merely by scheduling tasks. Brown is in direct contrast

with the claimed system which does NOT **schedule** tasks for performance at a future time at all. Rather the claimed system initiates "execution of performance" of a "sequence of tasks by at least one individual **without scheduling**" performance at a future time and without the "associated intervening scheduling **time delay**" that is typically found when scheduling an event in the manner performed by Brown. In Brown, **there is no performance of a task by the system**. Rather, the system merely schedules the tasks. Then, when the system detects a conflict in the schedule, the tasks are either rescheduled or the user selects between the conflicting tasks (Brown, Col. 8, lines 6-16). The claimed arrangement is not shown or suggested in Brown which teaches a system fundamentally different to that of the claimed arrangement. The present claimed system resolves inefficiency involved in altering and updating healthcare worker schedules because of the need to update scheduling at a "prepare to perform time" that is addressed in the claimed system. The claimed arrangement provides substantial logistical and efficiency advantages in a modern complex healthcare environment (see Application, page 5, lines 19-23).

Additionally, in Brown, the tasks are to be performed by a user and NOT by the Brown system. The present claimed invention, which is unlike Brown, initiates "execution of performance of said particular sequence of tasks." Therefore, Applicant respectfully disagrees with the assertion that Brown is similar to the present claimed invention as argued on page 3 of the Office Action. Consequently, withdrawal of the rejection of claim 1 under 35 USC 103(a) is respectfully requested.

Dependent claims 9 and 10 are considered to be patentable based on their dependence on independent claim 1. Therefore, the arguments presented above with respect to claim 1 also apply to claims 9 and 10. Thus, Withdrawal of the rejection of claims 9 and 10 under 35 USC 103(a) is further respectfully requested.

CLAIM 2

Dependent claim 2 is considered to be patentable based on its dependence on claim 1. Therefore, the arguments presented above with respect to claim 1 also apply to claim 2. Claim 2 is also considered to be patentable because Brown neither discloses nor suggests "in response to examining predetermined information and said occurrence of said identified event, **substituting** at least one of said particular tasks for a task of an existing task sequence being performed" as in the present claimed invention. Brown nowhere mentions or contemplates "substituting" a task for another task of a workflow. Brown in Col. 7, lines 62-65, cited by the Office Action, does not contemplate, discuss or mentions substituting a task for another task. Brown merely describes that the "[h]ealth data analyzer application 60 advantageously determines what tasks to schedule, when to schedule tasks and recommends

adjustments to scheduling when needed according to the priority assigned to tasks and time allowances” (Col. 7, lines 62-66). However, Brown does not suggest or disclose “substituting at least one of said particular tasks for a task of an existing task sequence being performed” as recited in claim 2 of the present invention. The term “substituting” as defined and used in the application comprises replacing a task with another task, for example. This is evident from the application on page 10, lines 1-5 which indicates “[s]election of item 625 results in **replacement**” of a “default workflow process (or in another embodiment, **particular identified tasks** of the default workflow process). Thus, the adjustment of a schedule, when needed according to the priority assigned to tasks and time allowances in Brown is not equivalent to claim 2 of the present invention. Consequently, it is respectfully requested that the rejection of claim 2 under 35 USC 103(a) be withdrawn.

CLAIM 5

Dependent claim 5 is considered to be patentable based on its dependence on claim 1. Therefore, the arguments presented above with respect to claim 1 also apply to claim 5. Claim 5 is also considered to be patentable because Brown neither discloses nor suggests “filtering a plurality of received messages to identify said message identifying occurrence of an event potentially affecting healthcare delivered to a patient and excluding other messages immaterial to said healthcare delivered to said patient” as recited in claim 5 of the present invention. The Office Action on page 7 correctly states that “Brown et al. fails to explicitly disclose” these features. However, Applicant respectfully submits that it would not have been obvious to modify the method of Brown et al. to include the use of a filter to filter relevant information associated with a patient, as suggested by the Office Action.

Col. 15, lines 18-22 of Brown, cited by the Office Action merely describes a “health data analyzer application 60 may determine a user’s preferred food items and filter an electronic menu received from a restaurant menu server 42 according to the user’s food preference in addition to filtering according to financial allowances 67 and health allowances 68” (Col. 15, lines 18-23). Additionally, Brown describes a “[p]hysician accessible server 40 [that] preferably filters through electronic preferences 72 and health profile 70 and alerts a physician of particularly relevant preferences and history for treatment of the patient” (Col. 21-25). Thus, in Brown, a health data analyzer application may filter an electronic menu, filter according to financial allowances and health allowances. In the server accessible by physicians, the server may filter through the electronic preferences database. However, these filters are completely unrelated to the filtering of “a plurality of received messages to identify said message identifying occurrence of an event potentially affecting healthcare delivered to a patient and **excluding** other messages immaterial to healthcare delivered to said patient” as recited in the present claimed invention. Moreover, it would not be obvious to add a filter for

filtering through multiple messages to identify the message identifying occurrence of an event that affects healthcare delivered to a patient in the Brown system. Additionally, there is no suggestion or disclosure of the **exclusion** of other messages that are immaterial to the healthcare delivered to the patient, as in the present claimed invention. Therefore, there is no suggestion or disclosure in Brown that would make the present claimed invention unpatentable. Consequently, it is respectfully requested that the rejection of claim 5 under 35 USC 103(a) be withdrawn.

CLAIMS 11-15 and 18

Independent claim 11 provides in a system for initiating performance of a process, including a set of tasks, to be performed by at least one individual to support healthcare delivery, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient. At least one event potentially affecting healthcare delivered to a patient is associated in a repository with a process including a sequence of tasks to be performed to support healthcare delivery to the patient. At least one message identifying occurrence of the event and at least one parameter associated with the event is received. A determination is made by using the repository whether the identified event is associated with a particular process of a plurality of predetermined processes. The parameter is provided to the particular process in response to the determination the identified event is associated with the particular process. Execution of performance of the particular process without scheduling the performance and associated intervening scheduling time delay is initiated in response to receiving the message identifying occurrence of the event and determination pre-conditions associated with the task sequence are satisfied and the tasks of the task sequence are ready for performance by the at least one individual. These features are not shown (or suggested) in Brown.

Specifically, the claimed arrangement supports "initiating execution of performance of said particular process without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual." The claimed arrangement initiates "execution of performance of said particular process **without scheduling** said performance and associated intervening scheduling time delay." Thus, the present claimed invention is **fundamentally different** than the Brown system. Contrary to the present claimed invention, the Brown system **schedules tasks to be performed at a future time**. This is wholly unlike the present claimed invention "performance of said particular process" is initiated "without scheduling said performance."

The present claimed invention initiates "execution of performance" of a "particular process without scheduling said performance and associated intervening scheduling time delay." This is done "in response to receiving" a "message identifying occurrence" of an "event and determination **pre-conditions** associated with said task sequence are **satisfied** and said tasks of said task sequence are **ready for performance** by said at least one individual." In contrast, Brown describes a system and method that "determines what tasks to **schedule, when to schedule tasks and recommends adjustments to scheduling when needed according to the priority assigned to tasks and time allowances**" (Col. 7, lines 61-66). The tasks scheduled by Brown seek to balance the life of the user (see Col. 7, line 65-Col. 8, line 5). Examples of these tasks include dinner, exercise, work and children's events, which are given a priority rating and are scheduled (table 1). These tasks are scheduled to be performed at a **FUTURE** time. Contrary to Brown, the present claimed invention recites "initiating execution of performance of said particular process **without scheduling** said performance and associated intervening schedule time delay." The present claimed invention is **NOT** a scheduler but rather initiates execution of the performance of tasks **WITHOUT** scheduling. The tasks are performed after pre-conditions associated with the task sequence are met.

Further, the Brown system schedules tasks to be performed **by a user** at a future time whereas the claimed arrangement actually "initiat[es] execution of said particular process." This is wholly unlike and in direct contrast to the Brown system, because the claimed system does **NOT** schedule processes to be performed at a future time as in Brown.

As admitted on page 6 of the Office Action, "Brown et al. fails to explicitly disclose initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual" as in claim 1 of the present invention. Similarly, Brown fails to explicitly disclose "initiating execution of performance of said particular process without scheduling ..." as recited in claim 11 of the present invention. Applicant respectfully submits that contrary to the assertion in the rejection, it would **NOT** be obvious to incorporate this feature in Brown. Brown is a scheduler system and any action required by the user relates directly to the schedule itself, there is no "initiating execution of" the particular process. Also, Brown's scheduler **cannot** initiate execution any processes. Furthermore, there is no reason for the Brown system to function in this manner. The Brown scheduler is provided to help a person organize their time, by carving out time for tasks and prioritizing those tasks. The tasks are varied, such as

making dinner and picking up a child from basketball practice. There is no scheduling in the present invention. If the pre-conditions are met, execution of the performance of the particular process is initiated in the present invention. Additionally, the present invention is used in a healthcare environment and resolves inefficiency involved in altering and updating healthcare worker schedules because of the need to update scheduling at a "prepare to perform time" that is addressed in the claimed system. The claimed arrangement provides substantial logistical and efficiency advantages in a modern complex healthcare environment (specification page 5, lines 19-23). Brown is not concerned with Healthcare worker efficiency, but rather is concerned with preparing a schedule for use by a person in incorporating many daily and family oriented tasks. There is no common problem recognition between Brown and the present claimed invention.

Additionally, the Office Action argues that "the Brown system [is] similar to the Applicant's invention [which] is concerned with the comprehensive health of a user (C. 1, lines 15-20). Moreover, the Applicant's invention specifies a sequence of tasks that need to be performed by an individual, similar to the Brown system. The Brown system indicates to a user which tasks and in which order to perform the tasks (C. 15, lines 62 – C. 16, line 8)" (Office Action, page 3). Applicant respectfully disagrees. The Brown system may describe "a method, system, and program for balancing the comprehensive health of a user ... [and] managing parameters effecting the comprehensive health of a user" (Col. 1, lines 17-21). However, Brown performs the above merely by scheduling tasks. Brown is in direct contrast with the claimed system which does NOT **schedule** a particular process for performance at a future time at all. Rather the claimed system initiates "execution of performance" of a "particular process **without scheduling**" performance at a future time and without the "**associated** intervening scheduling time delay" that is typically found when scheduling an event in the manner performed by Brown. In Brown, **there is no performance of a task by the system**. Rather, the system merely schedules the tasks. Then, when the system detects a conflict in the schedule, the tasks are either rescheduled or the user selects between the conflicting tasks (Brown, Col. 8, lines 6-16). The claimed arrangement is not shown or suggested in Brown which teaches a system fundamentally different to that of the claimed arrangement. The present claimed system resolves inefficiency involved in altering and updating healthcare worker schedules because of the need to update scheduling at a "prepare to perform time" that is addressed in the claimed system. The claimed arrangement provides substantial logistical and efficiency advantages in a modern complex healthcare environment (see Application, page 5, lines 19-23).

Additionally, in Brown, the tasks are to be performed by a user and NOT by the Brown system. The present claimed invention, which is unlike Brown, initiates "execution of

performance of said particular process.” Therefore, Applicant respectfully disagrees with the assertion that Brown is similar to the present claimed invention as argued in the Office Action. Consequently, withdrawal of the rejection of claim 11 under 35 USC 103(a) is respectfully requested.

Dependent claims 12-15 and 18 are considered to be patentable based on their dependence on independent claim 11. Therefore, the arguments presented above with respect to claim 11 also apply to claims 12-15 and 18. Thus, Withdrawal of the rejection of claims 12-15 and 18 under 35 USC 103(a) is further respectfully requested.

CLAIM 25

Claim 25 is considered to be patentable because Brown neither discloses nor suggests “searching a database containing records indicating active processes and process instances to identify process instances of said second process to be modified in response to receiving said at least one message” as recited in claim 25 of the present invention. The Office Action on page 8 correctly states that “Brown et al. fails to explicitly disclose” these features. However, Applicant respectfully disagrees with the argument that it would have been obvious to modify the method of Brown to include searching a database for availability times in response to a received task request, because it allows the system to determine available times to execute the task, as argued on page 8 of the Office Action.

The Office Action states that Col. 8, lines 47-65 of Brown describe comparing a scheduled task to an electronic schedule to determine availability and Col. 23, lines 43-46 as describing searching a database for information. However, the searching described in Brown is used when searching “[e]lectronic recipes accessible via electronic recipe server 49” (Col. 23, lines 43-44) based on “type, ingredients, nutritional content, preparation times, cook times and other search criteria designated by a user” (Col. 23, lines 44-46). Applicant respectfully submits that there is no reason, motivation or suggestion for Brown to search “a database containing records indicating active process and process instances to identify active process instances of said second process to be modified in response to receiving said at least one message” as recited in claim 25 of the present invention. The search in Brown merely searches based on the above criteria and is completely unrelated to the search described in the present claimed invention. Consequently, it is respectfully requested that the rejection of claim 25 under 35 USC 103(a) be withdrawn.

CLAIM 26

Claim 26 provides a system for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient. The system is for use in

initiating performance of a first process including a set of tasks to be performed by at least one individual to support healthcare delivery. At least one repository associates at least one event potentially affecting healthcare delivered to a patient with a sequence of tasks to be performed to support healthcare delivery to the patient. A communication interface receives a message identifying occurrence of the event. An event analyzer uses the at least one repository and applies predetermined rules to interpret the identified event to determine a particular sequence of tasks to be performed in response to receiving the message identifying occurrence of the identified event. A processor initiates execution of performance of the particular tasks by at least one individual without scheduling the performance and associated intervening scheduling time delay in response to the occurrence of the identified event and determination pre-conditions associated with the task sequence are satisfied and the tasks of the task sequence are ready for performance by the at least one individual. These features are not disclosed or suggested by Brown.

Specifically, the claimed arrangement supports "a processor for initiating execution of performance of said particular tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to said occurrence of said identified event and determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual." The claimed arrangement initiates "execution of performance" of "particular tasks" **"without scheduling** said performance and associated intervening scheduling time delay." Thus, the present claimed invention is **fundamentally different** than the Brown system. Contrary to the present claimed invention, the Brown system **schedules tasks to be performed at a future time**. This is wholly unlike the present claimed invention "performance of said particular sequence of tasks" is initiated "without scheduling said performance."

The present claimed invention initiates "execution of performance of said particular tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay." This is done "in response to said occurrence of said identified event and determination **pre-conditions** associated with said task sequence **are satisfied** and said tasks of said task sequence are **ready for performance** by said at least one individual." In contrast, Brown describes a system and method that "determines what tasks to **schedule, when to schedule tasks and recommends adjustments to scheduling when needed according to the priority assigned to tasks and time allowances**" (Col. 7, lines 61-66). The tasks scheduled by Brown seek to balance the life of the user (see Col. 7, line 65-Col. 8, line 5). Examples of these tasks include dinner, exercise, work and children's events, which are given a priority rating and are scheduled (table 1). These tasks are scheduled to be

performed at a FUTURE time. Contrary to Brown, the present claimed invention recites "initiating execution of performance of said particular tasks...**without scheduling** said performance and associated intervening schedule time delay." The present claimed invention is NOT a scheduler but rather initiates execution of the performance of tasks WITHOUT scheduling. The tasks are performed after pre-conditions associated with the task sequence are met.

As admitted on page 6 of the Office Action, "Brown et al. fails to explicitly disclose initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual." Therefore, Brown also does not explicitly disclose the features of claim 26 of the present invention. Applicant respectfully submits that contrary to the assertion in the rejection, it would NOT be obvious to incorporate this feature in Brown. Brown is a scheduler system and any action required by the user relates directly to the schedule itself, there is no "initiating execution of performance" of tasks. Also, Brown's scheduler **cannot** initiate execution of any of the tasks. Furthermore, there is no reason for the Brown system to function in this manner. The Brown scheduler is provided to help a person organize their time, by carving out time for tasks and prioritizing those tasks. The tasks are varied, such as making dinner and picking up a child from basketball practice. There is no scheduling in the present invention. If the pre-conditions are met, execution of the performance of the task is initiated in the present invention. Additionally, the present invention is used in a healthcare environment and resolves inefficiency involved in altering and updating healthcare worker schedules because of the need to update scheduling at a "prepare to perform time" that is addressed in the claimed system. The claimed arrangement provides substantial logistical and efficiency advantages in a modern complex healthcare environment (specification page 5, lines 19-23). Brown is not concerned with Healthcare worker efficiency, but rather is concerned with preparing a schedule for use by a person in incorporating many daily and family oriented tasks. There is no common problem recognition between Brown and the present claimed invention.

Additionally, the Office Action argues that "the Brown system [is] similar to the Applicant's invention [which] is concerned with the comprehensive health of a user (C. 1, lines 15-20). Moreover, the Applicant's invention specifies a sequence of tasks that need to be performed by an individual, similar to the Brown system. The Brown system indicates to a user which tasks and in which order to perform the tasks (C. 15, lines 62 – C. 16, line 8)"

(Office Action, page 3). Applicant respectfully disagrees. The Brown system may describe “a method, system, and program for balancing the comprehensive health of a user ... [and] managing parameters effecting the comprehensive health of a user” (Col. 1, lines 17-21). However, Brown performs the above merely by scheduling tasks. Brown is in direct contrast with the claimed system which does **NOT schedule** tasks for performance at a future time at all. Rather the claimed system initiates “execution of performance” of “particular tasks by at least one individual **without scheduling**” performance at a future time and without the “**associated** intervening scheduling **time delay**” that is typically found when scheduling an event in the manner performed by Brown. In Brown, **there is no performance of a task by the system**. Rather, the system merely schedules the tasks. Then, when the system detects a conflict in the schedule, the tasks are either rescheduled or the user selects between the conflicting tasks (Brown, Col. 8, lines 6-16). The claimed arrangement is not shown or suggested in Brown which teaches a system fundamentally different to that of the claimed arrangement. The present claimed system resolves inefficiency involved in altering and updating healthcare worker schedules because of the need to update scheduling at a “prepare to perform time” that is addressed in the claimed system. The claimed arrangement provides substantial logistical and efficiency advantages in a modern complex healthcare environment (see Application, page 5, lines 19-23).

Additionally, in Brown, the tasks are to be performed by a user and NOT by the Brown system. The present claimed invention, which is unlike Brown, initiates “execution of performance of said particular sequence of tasks.” Therefore, Applicant respectfully disagrees with the assertion that Brown is similar to the present claimed invention as argued on page 3 of the Office Action. Consequently, withdrawal of the rejection of claim 26 under 35 USC 103(a) is respectfully requested.

CLAIM 28

Independent claim 28 describes in a system for initiating performance of a first process, including a set of tasks, to be performed by at least one individual to support healthcare delivery, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient. At least one event potentially affecting healthcare delivered to a patient is associated in a repository with a sequence of tasks to be performed to support healthcare delivery to the patient. A message identifying occurrence of the event is received. A particular sequence of tasks to be performed is determined by using the repository, in response to receiving the message identifying occurrence of the event. Execution of performance of the particular sequence of tasks is initiated by at least one individual without scheduling the performance and associated intervening scheduling time delay in response to receiving the message

identifying occurrence of the event and determination pre-conditions associated with the task sequence are satisfied. In response to examining predetermined information and the occurrence of the identified event, at least one of the particular tasks is substituted for a task of another task sequence being performed. These features are not shown (or suggested) in Brown.

Specifically, the claimed arrangement supports "initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied." The claimed arrangement initiates "execution of performance" of a "sequence of tasks" **"without scheduling** said performance and associated intervening scheduling time delay." Thus, the present claimed invention is **fundamentally different** than the Brown system. Contrary to the present claimed invention, the Brown system **schedules tasks to be performed at a future time**. This is wholly unlike the present claimed invention "performance of said particular sequence of tasks" is initiated "without scheduling said performance."

The present claimed invention initiates "execution of performance" of a "sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay." This is done "in response to receiving" a "message identifying occurrence" of an "event and determination **pre-conditions** associated with said task sequence **are satisfied** and said tasks of said task sequence are **ready for performance** by said at least one individual." In contrast, Brown describes a system and method that "determines what tasks to **schedule, when to schedule tasks and recommends adjustments to scheduling when needed according to the priority assigned to tasks and time allowances**" (Col. 7, lines 61-66). The tasks scheduled by Brown seek to balance the life of the user (see Col. 7, line 65- Col. 8, line 5). Examples of these tasks include dinner, exercise, work and children's events, which are given a priority rating and are scheduled (table 1). These tasks are scheduled to be performed at a FUTURE time. Contrary to Brown, the present claimed invention recites "initiating execution of performance of said particular sequence of tasks...**without scheduling** said performance and associated intervening schedule time delay." The present claimed invention is NOT a scheduler but rather initiates execution of the performance of tasks WITHOUT scheduling. The tasks are performed after pre-conditions associated with the task sequence are met.

Further, the Brown system schedules tasks to be performed **by a user** at a future time whereas the claimed arrangement actually "initiat[es] execution of performance of said

particular sequence of tasks.” This is wholly unlike and in direct contrast to the Brown system, because the claimed system does NOT schedule tasks to be performed at a future time as in Brown.

As admitted on page 6 of the Office Action, “Brown et al. fails to explicitly disclose initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual.” Applicant respectfully submits that contrary to the assertion in the rejection, it would NOT be obvious to incorporate this feature in Brown. Brown is a scheduler system and any action required by the user relates directly to the schedule itself, there is no “initiating execution of performance” of tasks. Also, Brown’s scheduler **cannot** initiate execution of any of the tasks. Furthermore, there is no reason for the Brown system to function in this manner. The Brown scheduler is provided to help a person organize their time, by carving out time for tasks and prioritizing those tasks. The tasks are varied, such as making dinner and picking up a child from basketball practice. There is no scheduling in the present invention. If the pre-conditions are met, execution of the performance of the task is initiated in the present invention. Additionally, the present invention is used in a healthcare environment and resolves inefficiency involved in altering and updating healthcare worker schedules because of the need to update scheduling at a “prepare to perform time” that is addressed in the claimed system. The claimed arrangement provides substantial logistical and efficiency advantages in a modern complex healthcare environment (specification page 5, lines 19-23). Brown is not concerned with Healthcare worker efficiency, but rather is concerned with preparing a schedule for use by a person in incorporating many daily and family oriented tasks. There is no common problem recognition between Brown and the present claimed invention.

Additionally, the Office Action argues that “the Brown system [is] similar to the Applicant’s invention [which] is concerned with the comprehensive health of a user (C. 1, lines 15-20). Moreover, the Applicant’s invention specifies a sequence of tasks that need to be performed by an individual, similar to the Brown system. The Brown system indicates to a user which tasks and in which order to perform the tasks (C. 15, lines 62 – C. 16, line 8)” (Office Action, page 3). Applicant respectfully disagrees. The Brown system may describe “a method, system, and program for balancing the comprehensive health of a user ... [and] managing parameters effecting the comprehensive health of a user” (Col. 1, lines 17-21). However, Brown performs the above merely by scheduling tasks. Brown is in direct contrast

with the claimed system which does **NOT schedule** tasks for performance at a future time at all. Rather the claimed system initiates "execution of performance" of a "sequence of tasks by at least one individual **without scheduling**" performance at a future time and without the "associated intervening scheduling **time delay**" that is typically found when scheduling an event in the manner performed by Brown. In Brown, **there is no performance of a task by the system**. Rather, the system merely schedules the tasks. Then, when the system detects a conflict in the schedule, the tasks are either rescheduled or the user selects between the conflicting tasks (Brown, Col. 8, lines 6-16). The claimed arrangement is not shown or suggested in Brown which teaches a system fundamentally different to that of the claimed arrangement. The present claimed system resolves inefficiency involved in altering and updating healthcare worker schedules because of the need to update scheduling at a "prepare to perform time" that is addressed in the claimed system. The claimed arrangement provides substantial logistical and efficiency advantages in a modern complex healthcare environment (see Application, page 5, lines 19-23).

Additionally, in Brown, the tasks are to be performed by a user and NOT by the Brown system. The present claimed invention, which is unlike Brown, initiates "execution of performance of said particular sequence of tasks." Therefore, Applicant respectfully disagrees with the assertion that Brown is similar to the present claimed invention as argued on page 3 of the Office Action. Consequently, withdrawal of the rejection of claim 28 under 35 USC 103(a) is respectfully requested.

In view of the above remarks it is respectfully submitted that Brown provides no 35 USC 112 compliant enabling disclosure showing the above discussed features. It is thus further respectfully submitted that this rejection is satisfied and should be withdrawn.

Rejection of Claims 3-4, 6-8, 16-17, 19-24, 27 and 29 under 35 U.S.C. 103(a) over Brown (U.S. Patent 6,458,080) in view of Stoodley (Pub. No. US2004/0078236)

Reversal of the rejection of claims 3-4, 6-8, 16-17, 19-24, 27 and 29 under 35 U.S.C. 103(a) as being unpatentable over Brown (U.S. Patent No. 6,458,080 B1) in view of Stoodley et al (Pub. No. US2004/0078236 A1) is respectfully requested because the rejection makes crucial errors in interpreting the cited reference. The rejection erroneously states that claims 3-4, 6-8, 16-17, 19-24, 27 and 29 are made unpatentable by Brown in view of Stoodley.

CLAIMS 3 and 4

Claim 3 recites that the "message includes an event identifier identifying said event and is generated by a second process comprising a second set of tasks and including the activity of also receiving an identifier identifying a particular instance of said first process."

Claim 4 provides that the particular instance of the first process includes a particular use of the process for a specific patient. The Office Action on page 9 correctly states that "Brown et al. fails to disclose wherein said message includes an event identifier identifying said event and is generated by a second process comprising a second set of tasks and including the activity of also receiving an identifier identifying a particular instance of said first process." However, Applicant respectfully submits that Stoodley, when taken alone or in combination with Brown also does not disclose or suggest the features of the present claimed invention.

As described in the above with respect to claim 1, Brown merely describes scheduling different activities for an individual user. This may assist the user in providing balance in his/her life. However, Brown (with Stoodley) does not disclose or suggest "initiating execution of performance of said particular sequence of tasks by at least one individual **without scheduling** said performance and associated intervening scheduling time delay" as recited in the present claimed invention.

Stoodley describes a system for "storing a cohort description of data to describe a group of patients in an organized manner. The type of data that is stored and the relational manner in which they are stored, allow for comprehensive searches to retrieve aggregate data of multiple patients. The patient data may be stored for more than one provider" (paragraph [0016]). Stoodley is concerned with the storage and manipulation of aggregate patient data. This is wholly unlike the present claimed invention which is concerned with resolving inefficiency involved in altering and updating healthcare worker schedules because of the need to update scheduling at a "prepare to perform time". The claimed arrangement provides substantial logistical and efficiency advantages in a modern complex healthcare environment (specification page 5, lines 19-23).

It is also respectfully submitted that there is no reason or motivation to combine Brown and Stoodley, as Brown is concerned with prioritizing varied tasks to create a schedule for a user, while Stoodley is concerned with the storage and manipulation of aggregate patient data. These systems are wholly unlike one another and relate to different areas of art. Brown relates to a scheduler, such as any of a number of hand-held scheduling devices. Stoodley is concerned with the easy manipulation of large bodies of patient data. Additionally, neither of these references is concerned with resolving inefficiency involved in altering and updating healthcare worker schedules because of the need to update scheduling at a "prepare to perform time" that is addressed in the claimed system.

Additionally, even if there was some reason to combine these references, such a combination would produce a scheduler able to manage large bodies of information across

multiple providers of information. This combination neither discloses nor suggests “initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied,” as recited by the present invention.

Applicant further respectfully submits that the combination of Stoodley and Brown, similar to the individual system of Stoodley, neither discloses nor suggests the features of the present invention. The Office Action cites paragraph [0117] of Stoodley as being equivalent to the present claimed invention. Applicant respectfully disagrees. The cited passage merely describes “a relational database ... [including] a series of data structures in the form of tables having columns ... and rows ... containing information linked through common fields. The database uses these structures to store, retrieve and manipulate patient data. The relationships between tables are established within the database to allow particular tables ... to point to other tables within the database ... The database ... uses the patient identifier as the key for relating tables for each data set and also may use an event identifier to link categories of data within a data set to a patient management cycle” (paragraph [0117]). Stoodley and Brown may describe linking categories of data, where the patient identifier uses an event identifier to link categories, however, this does not show or suggest use of a **message** that includes an event identifier, where the message identifies the occurrence of “an event representing a change in circumstances potentially affecting healthcare delivered to a patient” as recited in the present claimed invention. Consequently, withdrawal of the rejection of claim 3 under 35 USC 103(a) is respectfully requested.

Additionally, as claim 4 is dependent on the method of claim 3, Applicant respectfully submit that it is allowable for the same reasons as claim 4. Consequently, withdrawal of the rejection of claim 4 under 35 USC 103(a) is respectfully requested.

CLAIM 6

Claim 6 provides the activity of associating in a repository, the event with a process instance identifier identifying an instance of a process comprising the sequence of tasks. These features are not disclosed or suggested by Brown and Stoodley, when taken alone or in combination.

As described in the above with respect to claim 1, Brown merely describes scheduling different activities for an individual user. This may assist the user in providing balance in his/her life. However, Brown (with Stoodley) does not disclose or suggest “initiating

execution of performance of said particular sequence of tasks by at least one individual **without scheduling** said performance and associated intervening scheduling time delay” as recited in the present claimed invention.

Furthermore, the Office Action on page 9 admits that Brown fails to disclose the features of claim 6 of the present invention. Brown may include categories of events, however, this is wholly unlike the present claimed invention which recites “identifying an instance of a process comprising said sequence of tasks.”

Stoodley, in paragraph [0117], cited by the Office Action, may describe a database where categories of data are linked within a data set. However, there is no suggestion or disclosure of “identifying an instance of a **process** comprising said **sequence of tasks**” as recited in claim 6 of the present invention. Therefore, Stoodley and Brown, when taken alone or in combination, do not disclose or suggest the features of the present claimed invention.

CLAIM 7

Claim 7 provides that the message includes an event identifier identifying the event and a process identifier identifying a target process to be replaced by a predetermined process comprising the particular tasks. These features are not disclosed or suggested by Brown and Stoodley, when taken alone or in combination.

As described in the above with respect to claim 1, Brown merely describes scheduling different activities for an individual user. This may assist the user in providing balance in his/her life. However, Brown (with Stoodley) does not disclose or suggest “initiating execution of performance of said particular sequence of tasks by at least one individual **without scheduling** said performance and associated intervening scheduling time delay” as recited in the present claimed invention.

Furthermore, the Office Action on page 10 admits that Brown fails to disclose the features of claim 7 of the present invention. However, Brown in combination with Stoodley does not make the present claimed invention unpatentable.

Stoodley, in paragraph [0117], cited by the Office Action, may describe a database where categories of data are linked within a data set. However, there is no suggestion or disclosure of the “message include[ing] an event identifier identifying said event and a process identifier identifying a target process to be replaced by a predetermined process comprising said particular tasks” as recited in claim 7 of the present invention. Therefore,

Stoodley and Brown, when taken alone or in combination, do not disclose or suggest the features of the present claimed invention.

CLAIM 8

Claim 8 is dependent on claim 7 and is patentable for the same reasons discussed above with respect to claim 7. Claim 8 includes the additional feature of "searching a database containing records indicating active processes and process instances to identify active process instances of said target process to be replaced." These features are not disclosed or suggested by Brown and Stoodley, when taken alone or in combination.

Furthermore, the Office Action on page 10 admits that "Brown et al. fails to explicitly disclose" the features of claim 8 of the present invention. However, Applicant respectfully disagrees with the Office Action assertion that it would have been obvious to "modify the method of Brown ... [to] include searching a database for availability times in response to a received task request, because it allows the system to determine available times to execute the task." As described in the above with respect to claim 1, Brown merely describes scheduling different activities for an individual user. This may assist the user in providing balance in his/her life. However, Brown (with Stoodley) does not disclose or suggest "initiating execution of performance of said particular sequence of tasks by at least one individual **without scheduling** said performance and associated intervening scheduling time delay" as recited in the present claimed invention. Moreover, there would be no reason or motivation for Brown to include searching a database containing records indicating active process and process instances to identify active process instances of the target process to be replaced, as in the present claimed invention. Brown may describe a search, however, the search in Brown merely searches based on "type, ingredients, nutritional content, preparation times, cook times and other search criteria designated by a user" (Col. 23, lines 44-46) in "[e]lectronic recipes accessible via electronic recipe server 49" (Col. 23, lines 43-44). Therefore, as this search is completely unrelated to the search described in the present claimed invention and there is no reason or motivation to include the database search recited in claim 8 of the present invention in Brown's system, it is respectfully submitted that Brown does not make the present claimed invention unpatentable. Consequently, it is respectfully requested that the rejection of claim 8 under 35 USC 103(a) be withdrawn.

CLAIM 16

Claim 16 provides that at least one message include a process identifier identifying a target process to be replaced by the predetermined process. These features are not disclosed or suggested by Brown and Stoodley, when taken alone or in combination.

As described in the above with respect to claim 11, Brown merely describes scheduling different activities for an individual user. This may assist the user in providing balance in his/her life. However, Brown (with Stoodley) does not disclose or suggest “initiating execution of performance of said particular process **without scheduling** said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event” as recited in the present claimed invention.

Furthermore, the Office Action on page 10 admits that Brown fails to disclose the features of claim 16 of the present invention. However, Brown in combination with Stoodley does not make the present claimed invention unpatentable.

Stoodley, in paragraph [0117], cited by the Office Action, may describe a database where categories of data are linked within a data set. However, there is no suggestion or disclosure of the “at least one message” including “a process identifier identifying a target process to be replaced by said predetermined process” as recited in claim 16 of the present invention. Therefore, Stoodley and Brown, when taken alone or in combination, do not disclose or suggest the features of the present claimed invention. Consequently, it is respectfully requested that the rejection of claim 16 under 35 USC 103(a) be withdrawn.

CLAIM 17

Claim 17 is dependent on claim 16 and is patentable for the same reasons discussed above with respect to claim 16. Claim 17 includes the additional feature of “searching a database containing records indicating active processes and process instances to identify active process instances of said target process to be replaced.” These features are not disclosed or suggested by Brown and Stoodley, when taken alone or in combination.

Furthermore, the Office Action on page 10 admits that “Brown et al. fails to explicitly disclose” the features of claim 17 of the present invention. However, Applicant respectfully disagrees with the Office Action assertion that it would have been obvious to “modify the method of Brown ... [to] include searching a database for availability times in response to a received task request, because it allows the system to determine available times to execute the task.” As described in the above with respect to claim 11, Brown merely describes scheduling different activities for an individual user. This may assist the user in providing balance in his/her life. However, Brown (with Stoodley) does not disclose or suggest “initiating execution of performance of said particular process **without scheduling** said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event” as recited in the present claimed invention. Moreover, there would be no reason or motivation for Brown to include searching a database

containing records indicating active process and process instances to identify active process instances of the target process to be replaced, as in the present claimed invention. Brown may describe a search, however, the search in Brown merely searches based on "type, ingredients, nutritional content, preparation times, cook times and other search criteria designated by a user" (Col. 23, lines 44-46) in "[e]lectronic recipes accessible via electronic recipe server 49" (Col. 23, lines 43-44). Therefore, as this search is completely unrelated to the search described in the present claimed invention and there is no reason or motivation to include the database search recited in claim 17 of the present invention in Brown's system, it is respectfully submitted that Brown does not make the present claimed invention unpatentable. Consequently, it is respectfully requested that the rejection of claim 17 under 35 USC 103(a) be withdrawn.

CLAIM 19

Claim 19 provides associating in a repository, the event with a process instance identifier identifying an instance of the process comprising the sequence of tasks. These features are not disclosed or suggested by Brown and Stoodley, when taken alone or in combination.

As described in the above with respect to claim 11, Brown merely describes scheduling different activities for an individual user. This may assist the user in providing balance in his/her life. However, Brown (with Stoodley) does not disclose or suggest "initiating execution of performance of said particular process **without scheduling** said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event" as recited in the present claimed invention.

Furthermore, the Office Action on page 10 admits that Brown fails to disclose the features of claim 19 of the present invention. However, Brown in combination with Stoodley does not make the present claimed invention unpatentable.

Stoodley, in paragraph [0117], cited by the Office Action, may describe a database where categories of data are linked within a data set. However, there is no suggestion or disclosure of "associating in a repository, said event with a process instance identifier identifying an instance of said process comprising said sequence of tasks" as recited in claim 19 of the present invention. Therefore, Stoodley and Brown, when taken alone or in combination, do not disclose or suggest the features of the present claimed invention. Consequently, it is respectfully requested that the rejection of claim 19 under 35 USC 103(a) be withdrawn.

CLAIMS 20-24

Claim 20 provides in a system supporting initiating performance of a plurality of processes including different sets of tasks to be performed by at least one individual, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient. At least one event potentially affecting healthcare delivered to a patient is associated in a repository with a process instance identifier identifying an instance of a process including a sequence of tasks to be performed to support healthcare delivery to a patient. At least one message identifying occurrence of the event is received during the first process and a parameter associated with the event is identified, in response to occurrence of an event in a first process. The parameter associated with the event is acquired and the parameter is provided to an instance of a second process identified using the repository. The instance of the second process is adapted by initiating execution of performance of a particular set of tasks without scheduling the performance and associated intervening scheduling time delay in response to receiving the at least one message Brown and Stoodley, when taken alone or in combination, do not disclose or suggest the features of the present claimed invention.

As described above, and admitted in the Office Action Brown neither discloses nor suggests "initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied," as recited in claim 20 of the present invention. As discussed above, there is no reason for Brown to include these features. Brown is a scheduler for helping people organize their time. No tasks are actually initiated by the Brown system. The present claimed invention, on the other hand, initiates the performance of a task without scheduling to increase healthcare worker efficiency. As described above, there is no common problem recognition between Brown and the present invention.

Applicant respectfully submits that Stoodley (with Brown) neither discloses nor suggests the features of the present invention. Stoodley describes a system for "storing a cohort description of data to describe a group of patients in an organized manner. The type of data that is stored and the relational manner in which they are stored, allow for comprehensive searches to retrieve aggregate data of multiple patients. The patient data may be stored for more than one provider" (paragraph [0016]). Stoodley is concerned with the storage and manipulation of aggregate patient data. This is wholly unlike the present claimed invention which is concerned with resolving inefficiency involved in altering and updating healthcare worker schedules because of the need to update scheduling at a "prepare to

perform time” that is addressed in the claimed system. The claimed arrangement provides substantial logistical and efficiency advantages in a modern complex healthcare environment (specification page 5, lines 19-23). Thus, there is no common problem recognition between Brown and the present invention.

It is also respectfully submitted that there is no reason or motivation to combine these two references as Brown is concerned with prioritizing varied tasks to create a schedule for a user, while Stoodley is concerned with the storage and manipulation of aggregate patient data. These systems are wholly unlike one another and relate to different areas of art. Brown relates to a scheduler, such as any of a number of hand-held scheduling devices. Stoodley is concerned with the easy manipulation of large bodies of patient data. Additionally, neither of these references is concerned with resolving inefficiency involved in altering and updating healthcare worker schedules because of the need to update scheduling at a “prepare to perform time” that is addressed in the claimed system.

Additionally, even if there was some reason to combine these references, such a combination would produce a scheduler able to manage large bodies of information across multiple providers of information. This combination still neither discloses nor suggests “initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied,” as recited by the present invention.

In view of the above remarks it is respectfully submitted that Brown and Stoodley, when taken alone or in combination provide no 35 USC 112 compliant enabling disclosure showing the above discussed features. It is thus further respectfully submitted that this rejection is satisfied and should be withdrawn.

As claims 21-24 are dependent on claim 20 Applicant respectfully submits that claims 21-24 are patentable for the reasons given in connection with claim 20. Thus, it is thus further respectfully submitted that this rejection is satisfied and should be withdrawn.

CLAIM 27

Claim 27 provides that at least one repository associates the at least one event with a process instance identifier identifying an instance of a process including the sequence of tasks. These features are not disclosed or suggested by Brown and Stoodley, when taken alone or in combination.

As described in the above with respect to claim 26, Brown merely describes scheduling different activities for an individual user. This may assist the user in providing balance in his/her life. However, Brown (with Stoodley) does not disclose or suggest "initiating execution of performance of said particular tasks by at least one individual **without scheduling** said performance and associated intervening scheduling time delay" as recited in the present claimed invention.

Furthermore, the Office Action on page 10 admits that Brown fails to disclose the features of claim 27 of the present invention. However, Brown in combination with Stoodley does not make the present claimed invention unpatentable.

Stoodley, in paragraph [0117], cited by the Office Action, may describe a database where categories of data are linked within a data set. However, there is no suggestion or disclosure of "said at least one repository associates said at least one event with a process instance identifier identifying an instance of a process comprising said sequence of tasks" as recited in claim 27 of the present invention. Therefore, Stoodley and Brown, when taken alone or in combination, do not disclose or suggest the features of the present claimed invention. Consequently, it is respectfully requested that the rejection of claim 27 under 35 USC 103(a) be withdrawn.

CLAIM 29

Claim 29 describes, in a system for initiating performance of a first process, including a set of tasks, to be performed by at least one individual to support healthcare delivery, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient. At least one event potentially affecting healthcare delivered to a patient is associated in a repository with a sequence of tasks to be performed to support healthcare delivery to the patient and with a process instance identifier identifying an instance of a process including the sequence of tasks. A message identifying occurrence of said event is received and a particular sequence of tasks to be performed is determined by using the repository in response to receiving the message identifying occurrence of the event. Execution of performance of the particular sequence of tasks is initiated by at least one individual without scheduling the performance

and associated intervening scheduling time delay in response to receiving the message identifying occurrence of the event and determination pre-conditions associated with the task sequence are satisfied. Brown and Stoodley, when taken alone or in combination, do not disclose or suggest the features of the present claimed invention.

As described above, and admitted in the Office Action Brown neither discloses nor suggests "initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied," as recited in claim 29 of the present invention. Nor, as discussed above, is there any reason for Brown to include these features. Brown is a scheduler for helping people organize their time. No tasks are actually initiated by the Brown system. The present claimed invention, on the other hand, initiates the performance of a task without scheduling to increase healthcare worker efficiency. As described above, there is no common problem recognition between Brown and the present invention.

Applicant respectfully submits that Stoodley (with Brown) neither discloses nor suggests the features of the present invention. Stoodley describes a system for "storing a cohort description of data to describe a group of patients in an organized manner. The type of data that is stored and the relational manner in which they are stored, allow for comprehensive searches to retrieve aggregate data of multiple patients. The patient data may be stored for more than one provider" (paragraph [0016]). Stoodley is concerned with the storage and manipulation of aggregate patient data. This is wholly unlike the present claimed invention which is concerned with resolving inefficiency involved in altering and updating healthcare worker schedules because of the need to update scheduling at a "prepare to perform time" that is addressed in the claimed system. The claimed arrangement provides substantial logistical and efficiency advantages in a modern complex healthcare environment (specification page 5, lines 19-23). Thus, there is no common problem recognition between Brown and the present invention.

It is also respectfully submitted that there is no reason or motivation to combine these two references as Brown is concerned with prioritizing varied tasks to create a schedule for a user, while Stoodley is concerned with the storage and manipulation of aggregate patient data. These systems are wholly unlike one another and relate to different areas of art. Brown relates to a scheduler, such as any of a number of hand-held scheduling devices. Stoodley is concerned with the easy manipulation of large bodies of patient data. Additionally, neither of these references is concerned with resolving inefficiency involved in altering and updating

healthcare worker schedules because of the need to update scheduling at a “prepare to perform time” that is addressed in the claimed system.

Additionally, even if there was some reason to combine these references, such a combination would produce a scheduler able to manage large bodies of information across multiple providers of information. This combination still neither discloses nor suggests “initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied,” as recited by the present invention.

In view of the above remarks, Applicant respectfully submits that there is no 35 USC 112 compliant enabling disclosure present in Brown and Stoodley, when taken alone or in combination, that makes the present invention unpatentable. It is respectfully submitted that this rejection is satisfied and should be withdrawn.

VIII CONCLUSION

Brown, when taken alone or in combination with Stoodley, neither discloses nor suggests the “method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient” performed “in a system for initiating performance of a first process, comprising a set of tasks, to be performed by at least one individual to support healthcare delivery” as recited in the present invention. Specifically, Brown and Stoodley neither disclose nor suggest “initiating execution of performance” of either tasks and/or processes “by at least one individual **without scheduling** said performance and associated intervening scheduling time delay” as in the present claimed invention.

Accordingly it is respectfully submitted that the rejection of Claims 1– 29 should be reversed.

Respectfully submitted,



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APPENDIX 1 - APPEALED CLAIMS

1. (Previously Presented) In a system for initiating performance of a first process, comprising a set of tasks, to be performed by at least one individual to support healthcare delivery, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient, comprising the activities of:

associating in a repository, at least one event potentially affecting healthcare delivered to a patient with a sequence of tasks to be performed to support healthcare delivery to said patient;

receiving a message identifying occurrence of said event;

determining by using said repository, a particular sequence of tasks to be performed, in response to receiving said message identifying occurrence of said event; and

initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual.

2. (Previously Presented) A method according to claim 1, including

in response to examining predetermined information and said occurrence of said identified event, substituting at least one of said particular tasks for a task of an existing task sequence being performed.

3. (Previously Presented) A method according to claim 1, wherein

said message includes an event identifier identifying said event and is generated by a second process comprising a second set of tasks and including the activity of also receiving an identifier identifying a particular instance of said first process.

4. (Original) A method according to claim 3, wherein

said particular instance of said first process comprises a particular use of said process for a specific patient.

5. (Previously Presented) A method according to claim 1, including the activities of

filtering a plurality of received messages to identify said message identifying occurrence of an event potentially affecting healthcare delivered to a patient and
excluding other messages immaterial to said healthcare delivered to said patient.

6. (Previously Presented) A method according to claim 1, including the activity of

associating in a repository, said event with a process instance identifier identifying an instance of a process comprising said sequence of tasks.

7. (Original) A method according to claim 1, wherein

said message includes an event identifier identifying said event and a process identifier identifying a target process to be replaced by a predetermined process comprising said particular tasks.

8. (Previously Presented) A method according to claim 7, and including the activity of

searching a database containing records indicating active processes and process instances to identify active process instances of said target process to be replaced.

9. (Previously Presented) A method according to claim 1, wherein

said event comprises at least one of, (a) an event resulting from action by healthcare personnel, (b) an event generated by an operating process, (c) an event generated by patient monitoring equipment and (d) an event generated by a medical device and

said step of initiating execution of performance of said particular sequence of tasks without scheduling said performance and associated intervening scheduling time delay comprises initiating execution of performance of said particular sequence of tasks without scheduling performance of said particular sequence of tasks to occur at a particular time.

10. (Previously Presented) A method according to claim 1, including the activity of

receiving information identifying a particular individual task of a task sequence being performed and including the activity of

adapting said task sequence being performed by initiating continuation of said task sequence being performed from said identified particular individual task in response to occurrence of said event.

11. (Previously Presented) In a system for initiating performance of a process, comprising a set of tasks, to be performed by at least one individual to support healthcare delivery, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient, comprising the activities of:

- associating in a repository, at least one event potentially affecting healthcare delivered to a patient with a process comprising a sequence of tasks to be performed to support healthcare delivery to said patient;

- receiving at least one message identifying occurrence of said event and at least one parameter associated with said event;

- determining by using said repository, whether said identified event is associated with a particular process of a plurality of predetermined processes;

- providing said parameter to said particular process in response to said determination said identified event is associated with said particular process; and

- initiating execution of performance of said particular process without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual.

12. (Original) A method according to claim 11, wherein

said associated parameter is for use by multiple different process task sequences and is stored at a location available for access by said multiple different process task sequences.

13. (Previously Presented) A method according to claim 11, including the activity of

verifying said associated parameter is compatible with predetermined value criteria as a pre-condition to providing said parameter to said predetermined process.

14. (Previously Presented) A method according to claim 11, including the activities of

- filtering a plurality of received messages to identify said at least one message identifying said occurrence of said event and
- excluding other messages.

15. (Previously Presented) A method according to claim 11, including the activity of

replacing initiating performance of another process with said initiating performance of said identified process.

16. (Original) A method according to claim 11, wherein
said at least one message includes a process identifier identifying a target process to be replaced by said predetermined process.

17. (Previously Presented) A method according to claim 16, including the activity of

searching a database containing records indicating active processes and process instances to identify active process instances of said target process to be replaced.

18. (Previously Presented) A method according to claim 11, including the activity of

receiving information identifying active process instances and storing records in a database indicating said identified active process instances.

19. (Previously Presented) A method according to claim 11, wherein
associating in a repository, said event with a process instance identifier identifying an instance of said process comprising said sequence of tasks.

20. (Previously Presented) In a system supporting initiating performance of a plurality of processes comprising different sets of tasks to be performed by at least one individual, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient, comprising the activities of:

- associating in a repository, at least one event potentially affecting healthcare delivered to a patient with a process instance identifier identifying an instance of a process comprising a sequence of tasks to be performed to support healthcare delivery to a patient;
- in response to occurrence of an event in a first process,
- receiving at least one message identifying occurrence of said event during said first process and identifying a parameter associated with said event;
- acquiring said parameter associated with said event and providing said parameter to an instance of a second process identified using said repository; and
- adapting said instance of said second process by initiating execution of performance of a particular set of tasks without scheduling said performance and associated intervening scheduling time delay in response to receiving said at least one message.

21. (Previously Presented) A method according to claim 20, including the activity of receiving an identifier identifying a particular individual task in said second process and wherein

said adapting activity comprises initiating processing of said second process from said particular individual task in response to receiving said at least one message identifying occurrence of said event and determining said parameter is within predetermined acceptability criteria.

22. (Original) A method according to claim 20, wherein said parameter associated with said event is stored at a location available for access by said first and second processes.

23. (Previously Presented) A method according to claim 20, including the activity of

sharing data between said first and second process comprising sharing at least one of, (a) an event identifier identifying said event, (b) a process identifier identifying said first process; and (c) an identifier identifying a particular instance of said first process.

24. (Original) A method according to claim 20, wherein said at least one message includes a process identifier identifying said second process is to be modified in response to occurrence of said event in said first process.

25. (Previously Presented) A method according to claim 20, including the activity of

searching a database containing records indicating active processes and process instances to identify active process instances of said second process to be modified in response to receiving said at least one message.

26. (Previously Presented) A system for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient, said system being for use in initiating performance of a first process comprising a set of tasks to be performed by at least one individual to support healthcare delivery, comprising:

at least one repository associating at least one event potentially affecting healthcare delivered to a patient with a sequence of tasks to be performed to support healthcare delivery to said patient;

a communication interface for receiving a message identifying occurrence of said event;

an event analyzer for using said at least one repository and for applying predetermined rules to interpret said identified event to determine a particular sequence of tasks to be performed in response to receiving said message identifying occurrence of said identified event; and

a processor for initiating execution of performance of said particular tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to said occurrence of said identified event and determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual.

27. (Previously Presented) A system according to claim 26, wherein

said at least one repository associates said at least one event with a process instance identifier identifying an instance of a process comprising said sequence of tasks.

28. (Previously Presented) In a system for initiating performance of a first process, comprising a set of tasks, to be performed by at least one individual to support healthcare delivery, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient, comprising the activities of:

- associating in a repository, at least one event potentially affecting healthcare delivered to a patient with a sequence of tasks to be performed to support healthcare delivery to said patient;

- receiving a message identifying occurrence of said event;

- determining by using said repository, a particular sequence of tasks to be performed, in response to receiving said message identifying occurrence of said event; and

- initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied and

- in response to examining predetermined information and said occurrence of said identified event, substituting at least one of said particular tasks for a task of another task sequence being performed.

29. (Previously Presented) In a system for initiating performance of a first process, comprising a set of tasks, to be performed by at least one individual to support healthcare delivery, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient, comprising the activities of:

- associating in a repository, at least one event potentially affecting healthcare delivered to a patient with a sequence of tasks to be performed to support healthcare delivery to said patient and with a process instance identifier identifying an instance of a process comprising said sequence of tasks;

- receiving a message identifying occurrence of said event;

- determining by using said repository, a particular sequence of tasks to be performed, in response to receiving said message identifying occurrence of said event; and

- initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied.

APPENDIX II - EVIDENCE

Applicant does not rely on any additional evidence other than the arguments submitted hereinabove.

APPENDIX III - RELATED PROCEEDINGS

A Notice of Appeal in Application Serial No. 10/051,664 was filed on January 24, 2006 and an Appeal Brief was filed on March 24, 2006. In response to Applicant's Appeal Brief, no formal decision was handed down but prosecution was re-opened via a non-final office action and followed by the Final Office Action. A Notice of Appeal re-initiating Appeal was filed and this Brief is filed in response to the Notice of Appeal.

APPENDIX IV - TABLE OF CASES

1. *In re Howard*, 394 F. 2d 869, 157 USPQ 615, 616 (CCPA 1968)
2. 29 AM. Jur 2D Evidence S. 33 (1994)
3. *In re Ahlert*, 424 F. 2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970)
4. *In re Eynde*, 480 F. 2d 1364, 1370; 178 USPQ 470, 474 (CCPA 1973)
5. *In re Fine*, 5 USPQ 2d 1600, (Fed Cir. 1988)
6. ACS Hospital Systems Inc v. Montefiore Hospital, 221 USPQ 929,933
(Fed. Cir. 1984)
7. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966)
8. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438
(Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988)
9. *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ
657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986)
10. *In re Oetiker*, 977 F2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992)

APPENDIX V - LIST OF REFERENCES

<u>U.S. Pat./Pub. No.</u>	<u>Issued Date</u>	<u>102(c) Date</u>	<u>Inventors</u>
6,458,080 B1	October 1, 2002		Brown et al.
US2004/0078236	April 22, 2004		Stoodley et al.

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